



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 12]

नई दिल्ली, शुक्रवार, अप्रैल 27, 2007 / वैशाख 7, 1929

No. 12]

NEW DELHI, FRIDAY, APRIL 27, 2007 / VAISAKHA 7, 1929

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on 27th April, 2007:—

I

BILL NO. XI OF 2007

A Bill to provide for the compulsory registration of all marriages solemnized in the country at district and national level with a view to preventing child marriages; bigamy or polygamy; helping women in their rights of maintenance and custody of child and enabling widow to claim inheritance and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Registration of Marriages Act, 2007. Short title, and commencement.
- (2) It shall come into force with immediate effect.
2. In this Act, unless the context otherwise requires,— Definitions.
 - (a) “appropriate Government” means in case of a State, the Government of that State and in other cases the Central Government;
 - (b) “competent authority” means an office or an officer designated for the purpose of registration of marriages under section 4;
 - (c) “National Register of Marriages” means a register of marriages maintained by the Central Ministry of Law and Justice containing details of all the marriages solemnized in the country;

(d) "prescribed" means prescribed by rules made under this Act.

Registration
of marriage.

3. (1) Notwithstanding anything contained in any other law for the time being in force or in any custom or usage to the contrary, all the marriages solemnized in the country after the commencement of this Act shall be registered within forty-five days of solemnization of marriage in such manner as may be prescribed.

(2) It shall be the responsibility of the father of the person getting married and the person himself to get the marriage registered with the competent authority.

Appointment
of competent
Authority.

4. (1) The appropriate Government shall, by notification in the Official Gazette, appoint a competent authority where no such authority exists, for registration of marriages, in each district within its jurisdiction:

Provided that the appropriate Government, depending upon the size of the district, may appoint one authority for two or more districts or may appoint more authorities for one district.

(2) The competent authority shall maintain a Register of marriage containing such particulars and details as may be prescribed and shall also keep the same in electronic form.

(3) The Central Government shall prescribe the documents relating to solemnization of marriage that may be required to be furnished for the registration of the marriage.

(4) After the registration of the marriage under the provisions of this Act, a marriage certificate shall be issued to the marriage couple giving such details as may be prescribed.

(5) It shall be the duty of each competent authority to forward the details of the register of marriage to the Central Government for the purposes of entry into National Register of Marriages in such a manner as may be prescribed.

5. (1) The Central Government shall maintain at the Central level a National Register of Marriages wherein all the information relating to solemnization of marriages received from all districts shall be entered.

(2) The Central Government shall ensure that the National Register of Marriages is also available to public in electronic form.

Marriage to
be null and
void if not
registered.

6. Notwithstanding anything contained in any other law from the time being in force or any custom, the marriage performed after the commencement of this Act shall be null and void if not registered within forty-five days of solemnization of marriage.

Penalty.

7. If a person fails to register his marriage within the prescribed period or gives false information in registering his marriage, he shall be liable for punishment which may extend to one month or fine which extend to ten thousand rupees:

Provided that such a person shall be debarred from all benefits under various schemes of appropriate Governments or their undertakings.

Central
Government
to provide
funds.

8. The Central Government shall, after due appropriation made in this behalf, provide such sums of money as it may think fit for being utilized for the purposes of this Act.

Power to
remove
difficulties.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

18024075

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid, the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to marriages.

Overriding
effect of
the Act.

11. The Central Government, may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

In our country, solemnization of marriage is considered to be one of the pious social ceremony. Ancient literature assigns great value to the solemnization of marriage between two individuals. With the degeneration in the social values, instances of abuse of the institution of marriage are on the rise. Many times unscrupulous husbands altogether walk out of their marriage leaving their wives in lurch, in order to avoid providing maintenance, custody of children or share in property. Every year, lakhs of marriages are performed in our country, mostly in traditional way. Most of these marriages have no official record, as hardly a few of these marriages are registered. Recently, the Supreme Court ruled that all marriages should be registered in order to prevent child marriages, check bigamy or polygamy, help women to exercise their rights of maintenance and custody of children and enable widows to claim inheritance. There is no Central law at present to provide for compulsory registration of marriages in the country, though some States have enacted laws for compulsory registration of marriage. The need for a uniform law is long over due. Therefore, it is high time that a law on compulsory registration of marriage is enacted.

Hence this Bill.

VIJAY J. DARDA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall appoint a competent authority for registration of marriages. The expenditure in relation to Union Territories in this regard shall fall on the Central Government. Clause 8 of the Bill provides that the Central Government shall provide required funds for the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees fifty crore will be required for the purpose. Non-recurring expenditure to the tune of rupees five crore will also be required.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

II

BILL NO. X OF 2007

A Bill to prevent atrocities against women in the country, to provide for Special Courts for the trial of such offences committed against women and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Atrocities on Women Act, 2007.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date, as the Central Government may by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of State, the Government of that State and in all other cases the Central Government;

(b) "atrocities" means an offence punishable under section 3;

(c) "Code" means the Code of Criminal Procedure, 1973;

(d) "employer" means,—

(i) in relation to an establishment under the control of the appropriate Government, the head of the Department or Ministry as the case may be;

(ii) in relation to an establishment under any local authority or Local Self Government, the Chief Executive Officer by whatever designation called;

(iii) in relation to other cases, the person or the authority who has the ultimate control over the affairs of the work place.

(e) "Special Court" means a Court of Session specified as a Special Court in section 7;

(f) Words and expressions used but not defined in this Act and defined in Code or the Indian Penal Code shall have the meanings assigned to them respectively in the Code, or as the case may be, in the Indian Penal Code. 45 of 1860.

Punishment
for Offences
of atrocities.

3. (1) Whoever,—

(i) makes any lewd remarks, gestures, signs or insinuations against a woman in office or in any public place.

(ii) assaults or uses force against any woman with intent to dishonour or outrage her modesty;

(iii) forcibly removes clothes from the person of a woman or parades her naked or with painted face or body or commits any similar act which is derogatory to human dignity;

(iv) compels or entices a woman to do 'begar' or other similar forms of forced or bounded labour;

(v) being in a position to dominate the will of a woman and uses that position to harass or exploit her sexually to which she would not have otherwise agreed;

(vi) intentionally insults or intimidates with intent to humiliate a woman in any place within public view;

(vii) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a woman;

(viii) takes pictures or video of a woman without her consent or knowledge by violating her privacy;

(ix) forces or compels any woman into prostitution;

(x) declares any woman witch or *daiyan* or by any other name called;

shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to five years and with fine which may extend to twenty-five thousand rupees.

(2) Whoever, being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to the maximum punishment provided for that offence.

Punishment
for neglect of
duties.

4. Whoever, being a public servant, willfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

Special Court.

5. For the purposes of providing speedy trial, the appropriate Government shall, with the concurrence of the Chief Justice of High Court, by notification in the Official Gazette,

specify for each district a Court of Sessions to be a Special Court to try offences under this Act.

6. (1) Where the Special Court is satisfied, upon a complaint or a police report that a person is likely to commit an offence under this Act, it may, by order in writing, direct such person to remove himself beyond the limits of such area, within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period, not exceeding one year, as may be specified in the order.

Procedure to be followed by Special Court.

(2) The Special Court shall, along with the order under sub-section (1), communicate to the person directed under that sub-section the grounds on which such order has been made.

(3) The Special Court may revoke or modify the order made under sub-section (1), for the reasons to be recorded, on the representation made by the person against whom such order has been made or by any other person on his behalf within thirty days from the date of the order.

7. Any person contravening an order of the Special Court made under section 6 shall be punishable with imprisonment for a term which may extend to two years and with fine which may extend upto ten thousand rupees.

Punishment for contravention of order of Special Court.

8. A District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of a Deputy Superintendent of Police may, on receiving information and after such inquiry as he may think necessary, has reason to believe that a person or a group of persons, residing in or frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take preventive action in such manner as may be prescribed.

Declaration of area prone to atrocities.

9. (1) The appropriate Government shall provide such relief and rehabilitation to the victims of the atrocities under this Act by framing schemes as may be notified from time to time.

Appropriate Government to frame scheme.

(2) Without prejudice to the generality of the aforesaid provision the appropriate Government shall provide free board and lodging and medical facilities to the severely affected victims of atrocities under this Act.

10. The Central Government shall, after due appropriation made in this behalf, provide such requisite funds for being utilised for the purposes of this Act.

Central Government to provide funds.

11. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

12. No suit, prosecution or other legal proceeding shall lie against the Central Government or against the State Government or any officer or authority of Government or any other person for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

13. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any other law.

Act to have over-riding effect.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Women are the most vulnerable lot of our society. Every now and then, women are subjected to atrocities and violence in one form or the other. They are subjected to all kinds of torture which more often than not go unreported. At times, the administration does not respond with the kind of agility that is required on the incidents of atrocities on women. There is no dearth of incidents when women are paraded naked in many places in our country and, at times, also declared as witches or *daiyans*. This is the worst kind of treatment given to women without any fault. They are left at the mercy of their fate and no one comes to their rescue. Further, sexual harassment of women in work place is also very common and frequent. The Supreme Court of India has taken this issue very seriously. In the case of *Vishaka and Others vs. State of Rajasthan and others*, the Supreme Court has laid down norms and guidelines to be followed by employers or other responsible persons in the work places or other institutions to prevent or deter the commission of acts of sexual harassment as also to provide the procedures for resolution, settlement or prosecution of acts of sexual harassment by taking all steps required including setting up of Complaints Committees for redressal of the complaint made by the victim. The National Commission for Women has also taken up this issue very seriously. It has, however been found that the Complaint Committees have not been formed in a number of cases. Women are mentally and sexually exploited and pushed into flesh trade. Therefore, in order to give women a respectable position in the society and save them from the tyranny of the unscrupulous employers and other persons, it is high time that a law should be framed to protect them from atrocities by providing strict punishment which will serve as deterrent for others.

Hence this Bill.

VIJAY J. DARDA

FINANCIAL MEMORANDUM

Clause 9 of the Bill provides that the appropriate Government shall provide relief and rehabilitation to the women and children who are victims of atrocities. Further, Clause 10 of the Bill provides that the Central Government shall provide requisite funds for the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty crore will be required for the purpose. Non-recurring expenditure to the tune of rupees one crore will also be required.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to the matters of details only. The delegation of legislative power is of normal character.

III

BILL NO. IX OF 2007

A Bill to provide for setting up of a Board for determination of prices of consumer goods and services commonly used by public in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Consumer Goods Price Fixation Board Act, 2007.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Board" means the Consumer Goods Price Fixation Board constituted under section 4;

(b) "consumer goods" means any grocery item including milk, bread, cooking oils, cosmetic items, cloths, vegetables, fruits, finished goods or services which are commonly used by public and such other items as the Central Government may, by notification, in this regard, notify.

(c) "prescribed" means prescribed by the rules made under this Act;

(d) words and expressions used in this Act but not defined and defined in the Consumer Protection Act, 1986, shall have the meaning respectively assigned to them in that Act. 68 of 1986.

Board to fix the price of all the consumer goods and services.

3. Notwithstanding anything contained in any other law for the time being in force, the Central Government shall fix the price of all the consumer goods and services through the Board set up under section 4.

Establishment of Consumer Goods Price Fixation Board.

4. (1) The Central Government shall, by notification in the Official Gazette, establish, for achieving the objective mentioned in section 3, a Board to be called the Consumer Goods Price Fixation Board.

(2) The Board shall consist of members on such terms and conditions as may be prescribed, for carrying out its functions.

(3) The Board shall have its office in the capital city of each State and Union Territory.

(4) The Board shall have such number of officers and employees as may be necessary for performing its functions.

Functions of the Board.

5. (1) The Board shall fix the prices of all the consumer goods and services in the country.

(2) The Board shall, before fixing the prices, take into account the following factors besides other things:—

(i) quality of products;

(ii) demand and supply of products;

(iii) cost of production;

(iv) loss during production;

(v) price of accessories or which directly or indirectly affect the price factor of the products and services;

(vi) any other relevant factor as may be deemed necessary.

(3) The Board may fix different prices for different products and services in different States and in accordance with quality of the product and input cost and other relevant factors.

(4) The Board shall, from time to time, after taking into relevant factors revise the prices fixed for different products and services.

Publicity to the prices fixed by Board.

6. The Board shall cause to publish the prices fixed for various consumer goods and services in newspaper, radio/television, cable network.

Penalty.

7. If any person contravenes any decision of the Board he shall be punished with three years simple imprisonment and a fine which may extend upto rupees fifty thousand.

Offences by companies.

8. Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section:—

(i) “company” means anybody corporate and include a firm or other association of individuals; and

(ii) “director”, in relation to a firm, means a partner in the firm.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

10. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject and save aforesaid the provisions of the Act shall be in addition to and not derogation of any other law for the time in force.

Overriding
effect of the
Act.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

There are many initiatives that have been taken with the sole objective of protecting the rights of the consumers. The government has also brought forward many legislative measures in this regard. These legislations would help consumer fight for his rights and are helpful in checking the malpractices. But, there is hardly any check on the prices of consumer goods. It has been seen that after one percent increase in the taxation or even for no reason, many unscrupulous manufacturers would enhance price of their products, sometimes, manifold. There is hardly any relationship between the quality and quantity of their product on the one hand and the price, on the other.

This problem is acute in the rural areas. In villages, commodities of much inferior quality are being sold at exorbitant prices. Of late there has been unbridled rise in the prices of essential commodities and other consumer products. The goods of daily use have gone out of the reach of the common man. The same is the position of various services commonly used by public.

In order to fix the prices of consumer goods and services, it has been proposed that a Board shall be set up with its offices in every State and UT. The Board, apart from determining the price of products, shall also act as a check on the agencies who increase the prices at their own will. Since the functions and policies of the Board are regulated by the Central government, the prices of the product will be uniform throughout the country to some extent.

Hence this Bill.

VIJAY J. DARDA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for setting up a Board for the price fixation of the consumer goods and services. The Board shall have offices in the capital city of each State and Union Territory.

It is estimated that an annual recurring expenditure of about rupees ten crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

IV

BILL No. XXII OF 2007

A Bill to provide for the due care, maintenance and welfare measures to be initiated by the State for those citizens who are destitute, indigent, stricken with poverty or infirmity due to old age, incurable disease or physically challenged ones, and those who are without independent source of livelihood like widows, senior citizens, orphans and underprivileged children and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Destitute, Indigent and Neglected Citizens (Maintenance and Welfare) Act, 2007.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "Authority" means the Destitute, Indigent and Neglected Citizens Welfare Authority established under Section 3;

(c) "destitute" in relation to a,—

(i) male who may be physically challenged or unfit for gainful employment or suffering from incurable disease and without any independent source of livelihood or a senior citizen who has become infirm due to old age or chronic ailment and who has nobody to support him; and

(ii) woman who may be a widow, divorcee or unmarried woman who has no relative to support her and who has no independent source of livelihood including livelihood of her minor children dependent on her or any woman stricken with infirmity owing to old age, physical deformity, ailment, mental imbalance and who lives uncared for;

(d) "indigent" means a person who is stricken with poverty, without any means of livelihood or source of income and who subsists on alms received by him after begging;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "senior citizen" means any person who has completed sixty years of age;

(g) "underprivileged children" means the deprived children with unknown parentage, abandoned, vagabond or loitering, rag pickers, and neglected children of pavement dwellers, sex worker, jail inmates, mentally ill or retarded women and who subsist on begging and petty offences;

(h) "widow" means an adult female whose husband has died after her legal marriage.

Establishment
of the
Authority.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish an Authority to be known as the Destitute, Indigent and Neglected Citizens Welfare Authority for the purposes of this Act.

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The headquarter of the Authority shall be at Jaipur in the State of Rajasthan.

(4) The Authority shall establish its branches in all the States and Union Territories at conspicuous places.

Composition
of the
Authority.

4. (1) The Authority shall consist of,—

(a) the Minister-in-charge of the Union Ministry of Social Justice and Empowerment—*ex-officio* Chairperson;

(b) a Vice-Chairperson with such qualifications as may be prescribed, to be appointed by the Central Government;

(c) five members of Parliament of whom three shall be from Lok Sabha and two from the Rajya Sabha to be nominated by the respective Presiding Officers of each House;

(d) three members representing the Union Ministries of Women and Child Development, Planning and Finance respectively;

(e) not more than four members to be appointed by the Central Government in consultation with the Governments of the States, by rotation in alphabetical order, to represent the Governments of the States;

(f) three members to be appointed by the Central Government from amongst the Non-Governmental Organisations working for destitute widows, senior citizens and underprivileged children.

(2) The term of office, remuneration and other facilities of the Chairperson, Vice-Chairperson and members shall be such as may be prescribed.

(3) The Authority shall follow such procedure for holding its meeting and the quorum for such meeting shall be such as may be prescribed.

5. (1) It shall be the duty of the Authority to promote by such measures, as it thinks fit or appropriate, welfare measures for those citizens who are destitute, indigent, stricken with poverty or infirmity due to old age, incurable disease or physically challenged ones and for those who are without source of livelihood such as widows, senior citizens, orphan and underprivileged children covered under this Act.

Functions of
the Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Authority shall,—

(a) maintain district wise register of the destitute, indigent and neglected citizens including the physically challenged ones, senior citizens, neglected women who may be widows, divorcee and who do not have anyone to support and the orphans and other street children;

(b) work out plans and formulate schemes for the welfare of the citizens covered under this Act;

(c) establish adequate number of senior citizen homes for board, lodging and provision of necessary facilities of daily life for the needy senior citizens;

(d) establish shelters or rehabilitation centres for the needy physically challenged citizens, orphans and street children and widows with provision of board, lodging and other necessities of daily life therein free of cost;

(e) work out scheme to provide free medical aid and means of entertainment in the senior citizen homes and shelters and rehabilitation centres established under this section.

(f) take such other measures not inconsistent with the provisions of this Act as the Authority may deem necessary for the welfare of the citizens covered under this Act.

6. The appropriate Government shall, on the recommendation of the Authority, provide the destitute women, indigent and needy senior citizens covered under this Act, the following facilities namely:—

Facilities to
the destitute
women,
indigents and
senior citizens
by the
appropriate
Government.

(a) monthly allowance of two thousand rupees to every indigent and needy senior citizen in such manner as may be prescribed;

(b) monthly allowance of two thousand rupees to every destitute woman and if such a woman has dependent children to support a monthly allowance of three thousand rupees in such manner as may be prescribed:

Provided that if any woman covered under this Act either gets gainful employment or remarries, the facilities and monthly allowance being provided to her shall be discontinued and withdrawn from the date she gets the gainful employment or remarries as the case may be.

(c) residential accommodation wherever necessary, free of cost;

(d) free educational facilities including technical and vocational education to the dependent children;

(e) free medical care;

(f) gainful employment;

(g) vocational training and assistance for self employment;

(h) such other facilities as may be necessary from time to time.

Miscellaneous provisions.

7. (1) Notwithstanding anything contained in any other law for the time being in force, the local police of every district headquarter shall keep a record of senior citizens, old widows and physically challenged ones residing within its jurisdiction in such manners and with such details, as may be prescribed.

(2) It shall be the duty of the area Station House Officer or any Police officer who for the time being in charge of local Police Station or Police Post, as the case may be, to compulsorily,—

(a) verify the character and antecedents of the domestic servant or domestic help engaged or provided to the senior citizen or lonely old couple or old widow or physically challenged citizen residing within his jurisdiction in such manner as may be prescribed; and

(b) provide adequate security to the citizens referred to in para (a) above.

Central Government to provide funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Authority, from time to time, for carrying out the purposes of this Act.

Annual Report of the Authority.

9. The Authority shall submit an Annual Report in such form and in such manner as may be prescribed, of its activities of the welfare measures undertaken for the purposes of this Act to the President of India who shall cause the report to be laid before both the Houses of Parliament along with action taken thereon by the Central Government as soon as it is received.

Power to remove difficulty.

10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Act to have overriding effect.

11. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith, contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There are crores of destitute, indigent and neglected citizens consisting of widows, senior citizens, orphans and other underprivileged children, physically challenged ones and quite a large number of them live uncared for in our Country. They are stricken with infirmity particularly due to old age or physical deformity or serious and prolonged ailment and many of them suffer from mental imbalance. Majority of such citizens have no means to support themselves and they are ill treated by people at large. Unfortunately, the number of such citizens is increasing day by day. In a welfare state like ours it is the solemn duty of the state to take care of such destitute, indigent and neglected citizens. For this purpose an independent Authority will have to be established with sufficient funds and this Authority will be entrusted with the main function of formulating welfare schemes for such hapless citizens and implement them with sincerity and zeal.

Hence this Bill.

ABHISHEK MANU SINGHVI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Destitute, Indigent and Neglected Citizens Welfare Authority. Clause 4(2) provides for remuneration and facilities to the Chairperson, Vice-Chairperson and members. Clause 6 provides for certain facilities to be provided to the destitute women, indigent and senior citizens. Clause 8 makes it obligatory for the Central Government to provide adequate funds to the Authority for the purposes of the Bill. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousand crore may involve as recurring expenditure per annum.

A sum of rupees five thousand crore may also involve as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

V

BILL No. XX OF 2007

A Bill to provide for the prevention of hoarding and profiteering in essential commodities of daily use by the common man and control of prices of such commodities to give relief to the common man by constituting a Commission for determination of prices of all consumer goods and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Prevention of Hoarding and Profiteering and Protection of Common Man through Control of Prices Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force at once and shall remain in force for a period of five years.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(b) "Commission" means National Commission For Price Fixation of Consumer Goods constituted under section 3;

(c) "consumer goods" include all grocery items including wheat, rice and other types of cereals, pulses, sugar, edible oils and ghee, salt, soaps and detergents and such other items which are used for daily use by common public but does not include seasonal vegetables and fruits, finished goods or services;

(d) "dealer" means any person carrying on the business of selling any scheduled article and includes a producer, manufacturer, an importer, a wholesaler or retailer;

(e) "hoarding" means accumulating consumer goods or stocks meant for sale with a view to cornering such goods so as to raise their prices by creating a short supply or artificial shortage or by bringing them for sale at prices which are very high and are not competitive;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "profiteering" with its grammatical variations and cognate expressions means the sale by a dealer of any scheduled article at a price or rate higher than that fixed under this Act;

(h) "retail price" means such price at which the consumer goods shall be sold in retail and such price shall include all taxes levied on such goods;

(i) "Scheduled article" means an article specified in the First Schedule of this Act.

3. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, constitute the "National Commission for Price Fixation of Consumer Goods" for carrying out the purposes of this Act.

Constitution of
a Commission.

(2) The Commission shall consist of,—

(a) a Chairperson to be appointed by the Central Government having such qualifications and experience as may be prescribed;

(b) four members to be appointed by the Central Government who are experts in the field of commodities;

(c) four members to be nominated by the State Governments by rotation in alphabetical order.

(3) The Commission may associate with itself any person whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Board relevant to the purposes for which he has been associated but shall not have the right to vote.

(4) The terms of office of the members and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed.

(5) The Commission shall have a Secretariat consisting of such number of officers and staff, as may be prescribed, to assist it in carrying out its functions.

4. (1) The Commission shall, by order notified in the Official Gazette, fix the maximum price or rate of any consumer good shown as scheduled article in this Act, which may be charged by a dealer or the minimum price which is to be paid by a purchaser.

Functions
of the
Commission.

(2) The Commission may, before fixing the prices, take into account relevant factors especially,—

- (i) the quality of the products;
- (ii) the supply and demand of the consumer goods;
- (iii) the cost of production;
- (iv) the loss during the production;
- (v) the prices of accessories or which directly or indirectly affect the price factor of the consumer goods;
- (vi) the price and availability of similar products in international market;
- (vii) the export potential of the goods;
- (viii) any other relevant factor as may be deemed necessary.

(3) The Commission may fix different prices for different consumer goods in different States or regions as per the local production, consumption and availability and other factors.

(4) The Commission shall, from time to time, after taking into consideration the relevant factors revise the prices fixed for different consumer goods.

(5) The Commission shall cause the price structure fixed by it be given wide publicity throughout the country through the print, electronic or through such means as it may deem fit.

Appropriate Government to implement the price structure of the Commission.

5. Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to implement the price structure decided by the Commission within its territorial jurisdiction in the manner it may deem necessary and expedient.

Prohibition of hoarding of and profiteering in consumer goods.

6. (1) The hoarding of and profiteering in consumer goods by any dealer or person is hereby prohibited.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Penalty.

7. (1) Any dealer who profiteers in any scheduled article or consumer goods shall be punishable with rigorous imprisonment which shall not be less than three years but may extend to seven years and also with fine which may extend to ten lakh rupees and the scheduled consumer goods in respect of which the offence has been committed or such part thereof as the trial court may deem fit shall be forfeited to the appropriate Government.

(2) Any dealer or person found deliberately hoarding any scheduled consumer goods or article shall be punished with rigorous imprisonment which shall not be less than three years but may extend to seven years and also with fine which may extend to ten lakh rupees and the hoarded stock of the scheduled consumer goods shall be forfeited to the appropriate Government.

(3) Any dealer who, without reasonable ground refuses to sell any scheduled consumer goods to any purchaser or refuses to sell it at the rate fixed for it by the Commission shall be punishable with rigorous imprisonment which may extend to three years and also with fine which may extend to two lakh rupees.

Power of search and seizure.

8. When any police officer not below the rank of Inspector of Police has reasonable grounds for believing that there has been a contravention of any of the provisions of this Act, such officer may, after recording in writing the grounds of his belief, at all reasonable hours enter and search any place where a dealer keeps, or is for the time being keeping, any scheduled consumer goods and seize the goods under this Act.

2 of 1974.

9. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 all offences punishable under this Act shall be cognizable and non-bailable.

Cognizance of offence and arrest without warrant.

(2) Any police officer, not below the rank of Inspector of Police, may arrest without warrant any person against whom a reasonable complaint has been made or creditable information has been received of his having been involved in any of the offences punishable under this Act.

10. The Central Government may, by order notified in the Official Gazette, add to the schedule any other consumer goods of daily use and thereupon that schedule shall be deemed to be amended accordingly and the consumer good so added shall be deemed to be a scheduled consumer goods within the meaning of this Act.

Power to add to the schedule.

11. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Act to have overriding effect.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

THE SCHEDULE

[See Section 4(1)]

1. Wheat and Wheat Products;
2. Rice and Rice in husk;
3. Coarse cereals and their products;
4. Pulses and byproduct like besan, etc.;
5. Spices, raw and powder form;
6. Edible oil, butter, vanaspati and *desi ghee*;
7. Sugar and jaggery;
8. Tea and coffee;
9. Salt;
10. Soaps, detergents and washing powders;
11. Baby food and skimmed milk powder;
12. Paper;
13. Kerosene and other petroleum products;
14. Cement and other building materials;
15. Steel;
16. Coal;
17. Drugs and medicines.

STATEMENT OF OBJECTS AND REASONS

Of late, prices of essential consumer goods have increased manifold, which has adversely affected the household budget of the common man. There is resentment and concern on this issue amongst the people, be it the middle class people, salaried class, daily wage earners, and poor and those living below poverty line. The increase in prices is not restricted to seasonal commodities but also to items of daily use. *Dal-Roti* has become luxury for almost all the households. Sugar and edible oils have also gone out of the reach of the common man. The dealers are selling the products at their whims and fancy. They are creating artificial scarcity of essential goods by hoarding the goods with a view to profiteering later. There is no check on the pricing of any commodity. No price list is displayed and the poor, downtrodden and illiterate people are exploited by the dealers and retailers. There is an immediate need to have a system in place, which will help in stabilizing the prices of different consumer goods, that are used by the common man. Hence it has been proposed in the Bill to constitute a commission for the purpose of fixing the prices of all consumer goods to protect the poor, downtrodden and the common masses of the country. Those found guilty of not complying with the price structure prescribed by the Commission and found involved in hoarding and profiteering should be severely punished. This will certainly help in containing the dreaded *mehangai*.

Hence this Bill.

ABHISHEK MANU SINGHVI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Commission to fix the prices of consumer goods. Sub-clause (5) of clause 4 directs the Commission to give wide publicity through the print, electronic and other means to the price structure fixed by it. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty crore may involve as recurring expenditure per annum.

A sum of rupees fifty crore may also involve as non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VI

BILL NO. XXIII OF 2007

A Bill further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title, and
commencement.

1. (1) This Act may be called the Forest (Conservation) Amendment Act, 2007.

(2) It shall come into force at once.

Insertion of
new section 3C.

2. After section 3B of the Forest (Conservation) Act, 1980, (hereinafter referred to as the Principal Act) the following section shall be inserted, namely:—

“3C. Notwithstanding anything contained in sections 2 and 3, the Central Government may delegate all or any of its functions as enumerated therein to a particular State for carrying out developmental activities, subject to the condition that the grant of approval under section 2 shall be made by a committee consisting of Forest officers, environment specialists, engineers and other technical experts to be notified by that State Government with the prior approval of the Central Government.”

3. In section 4 of the principal Act,—Amendment
of section 4.**(i) after sub-section (1), the following proviso shall be inserted, namely:—**

“Provided that if the powers under section 3C have been delegated to the State government then that State Government may make rules for carrying out the purposes of this Act in that State.

(ii) after sub section (2), the following proviso shall be inserted, namely:—

“Provided that every rule made under this Act by the State Government under proviso to sub-section (1) of section 4 shall be laid as soon as may be, after it is made, before the House or each House of the state legislature as the case may be, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House or the Houses agree(s) in making any modification in the rule or the House or the Houses agree(s) that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

STATEMENT OF OBJECTS AND REASONS

The Forest (Conservation) Act, 1980 was enacted by the Parliament to check deforestation leading to ecological imbalance and environmental degradation. The Parliament having enacted legislation dealing with forest conservation, the State Legislature have no power to make, enact any law, regulation or rule which touches on the subject. That the provisions of the Act are mandatory requiring strict compliance on the pain of incurring penalties as enumerated in sections 3A and 3B of the Act. The latter deals with and contemplates punishment to government officers. Section 2 starts with a non-obstinate clause requiring prior approval of the Central Government before any activity on land described as reserved forest or forest land. All activities except reforestation are banned. There is no provision giving any discretion to the State Government to initiate, extend or continue development activities, peculiar to its needs.

Himachal Pradesh has hilly and mountainous terrain covered with trees. The topography of the State does not permit easy access to villages, towns and cities. Interlinking panchayat, tehsil, sub-divisional headquarters requires construction of roads which are the life-line of economic and social development. Provision of basic amenities and government facilities like schools, healthcare centres, government offices, banks, post offices, telegraph facilities, revenue offices, etc. is the basic and primary constitutional duty of the State and the fundamental requirements of the inhabitants. All construction activity required for provision of these services has come to a grinding halt as permission from the Central Government as envisaged by sections 2 and 3 is not forthcoming and takes considerable amount of time. Resultantly, all developmental activities are being hindered. When the Act was passed, it was presumed that Government to Government permission would not take time.

Considering the peculiar and unique topography of the hilly states and the pressing and urgent requirements of socio-economic development requiring immediate and prompt action, the mandatory requirement of prior permission from the Central Government should be dispensed with and ample safeguards be provided in the Act to conserve ecology while at the same time speeding development activity in the State.

Therefore, it is proposed that after section 3B of the Act, a provision may be inserted giving powers to the Central Government to delegate all or some of the powers under sections 2 and 3 to the State Government to perform such of the duties under the Act as deemed necessary with the approval of a Committee consisting of forest officers, environment experts, engineers and other technical experts notified by the State Government with the approval of Central Government. It is also proposed that the power to make or amend the rules may also be delegated to the State to which power under sections 2 and 3 have been delegated.

VIPLOVE THAKUR

VII

BILL NO. XIX OF 2007

A Bill to provide for compulsory imparting of moral education in primary and secondary level of education in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Imparting of Moral Education in Educational Institutions, Act, 2007.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "Advisory Council" means the Council constituted under section (7);

(b) "appropriate Government" means, in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "Educational institution" includes any school whether nursery, K.G, primary, middle, secondary or senior secondary level, imparting education to child by whatever name such institution is called;

(d) "moral education" means and includes education based on teaching of good principles and values cherished for years, i.e. regard and repute for elders, parents, teachers and guardians, etc. setting reasonable standards of virtues and reinforcing discipline among students so that they can distinguish between right and wrong;

(e) "prescribed" means prescribed by rules made under this Act;

Compulsory
moral
education in
educational
institutions.

3. From such date, as the Central Government may, by notification in the Official Gazette, specify, moral education shall be compulsorily imparted in all educational institutions upto secondary level.

Appropriate
Government
to issue
directions for
compulsorily
imparting
moral
education.

4. The appropriate Government shall, immediately after issuance of notification under section 3, issue directions for compulsorily imparting of moral education in all educational institutions, within its jurisdiction.

Derecognition
of educational
institutions

5. The appropriate Government shall derecognize such educational institution, which does not comply with the provisions of Section (3) after giving such institution a reasonable opportunity of being heard.

Appointment
of teachers for
imparting
moral
education.

6. Subject to such rules as may be prescribed, the appropriate Government shall appoint such number of teachers with such qualification as may be specified for imparting moral education to students upto secondary level.

Establishment
and functions
of Advisory
Council.

7. (1) The appropriate Government shall, by notification in the Official Gazette, establish an Advisory Council in each district in such manner as may be prescribed.

(2) The Council shall consist of such number of persons as may be prescribed which shall include persons having specialized knowledge of moral principles, values and experience of practicing morality.

(3) The council shall also frame schemes for providing:—

(a) involvement of media, non-Governmental organization and other agencies in providing moral education in schools.

(b) incentives to the teachers imparting moral education and the students showing keen interest in learning morality as may be specified.

(c) Coordination with the appropriate Government and school authorities with a view to ensuring effective implementation of the provisions of the Act.

Central
Government
to provide
funds.

8. The Central Government shall, after due appropriation made by law by Parliament in this behalf provide adequate funds to the States for appointing teachers and other infrastructure required for the purpose of this Act.

Overriding
effect of the
Act.

9. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, but save as aforesaid the provisions of this Act, shall be in addition to and not in derogation of any other law for the time being in force.

Power to make
rules.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

With the growing modernization, there has been a sharp decline in the values which were cherished and practised from the time immemorial in Indian society. India has been known for its morality and sense of respect for elders, teachers and the helpless. There was a time when moral education used to be an essential component of the education system at gurukuls and such other centres. As a result, pupils grew stronger both intellectually and spiritually and influenced society as well as the state by their significant contributions. However, with passage of time, these great values lost their place and were replaced by so called modern values reflected by day-to-day brawls between teachers and students, disrespect to elders and cases of abandonment of old parents by their greedy sons.

A child learns from whatever he observes around and, therefore, society, parents and the state owe a duty to create an atmosphere in which children may have all round development. Moral education has become need of the day as social values, which have been prevalent, have shown rapid fall. Materialism has eclipsed spiritualism and cases of moral degradation are on rise. Today, there is no dearth of the news items covering incidents of rape of a daughter by her own father, molestation and eve teasing of minor girls, killing of old parents by their own sons, threatening of teachers by their students, etc. It is commonly said that future of a nation lies in the hands of children. So, it becomes all the more important to instill in children a sense of respect for moral values right from the stage a child enters school. Preparing a conducive atmosphere to learn moral values will have salutary effect on minds of school going children and when they will grow mature they can easily distinguish between the right and the wrong. It is felt that voluntary action to promote moral values will not have the desired impact unless moral education is made a statutory requirement for all the educational institutions.

Hence this Bill.

PRAMILA BOHIDAR

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for appointment of teachers for imparting moral education. Clause 7 of the Bill provides for establishment of Advisory Council, which includes persons having specialized knowledge of moral principles, values and experience of practicing morality. Clause 8 provides that Central Government shall provide funds for the purposes of teachers and infrastructure. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees fifty crore will be required for the purpose. Non-recurring expenditure to the tune of rupees five crore will also be required.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of a normal character.

VIII

BILL No. XXV OF 2007

A Bill to amend the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title and
commencement.

1. (1) This Act may be called the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Act, 2007.

(2) It shall come into force with immediate effect.

Amendment
of section 6.

2. In section 6 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereinafter referred to as the principal Act), clause (b) shall be omitted.

3. In section 7 of the principal Act, after the words "cigarettes or any other tobacco products" wherever they occur, the words "except beedis" shall be inserted. Amendment of section 7.
4. In section 8 of the principal Act, after the words "cigarettes or any other tobacco products" wherever they occur, the words "except beedi" shall be inserted. Amendment of section 8.
5. In section 9 of the principal Act,—
- (i) in sub-section (1) after the words "cigarettes and other tobacco products" the words "except beedis" shall be inserted. Amendment of section 9.
- (ii) in sub-section (2) after the words "cigarettes or other tobacco products" the words "except beedis" shall be inserted.
6. In section 10 of the principal Act, after the words "cigarettes and any other tobacco products", the words "except beedis" shall be inserted. Amendment of section 10.
7. In section 11 of the principal Act, after the words "cigarettes and any other tobacco products", the words "except beedis" shall be inserted. Amendment of section 11.

STATEMENT OF OBJECTS AND REASONS

The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Act No. 34 of 2003) was enacted by Parliament to prohibit the advertisement and to provide the regulation of trade and commerce, production, supply and distribution of cigarettes and other tobacco products and for matters connected therewith or incidental thereto.

Some of the Sections of the Act have direct effect on the workers employing in the beedi industry. Like, section 6 (b) of the Act prohibits no person shall sell, offer for sale, or permit sale of cigarettes or any other tobacco products in an area within a radius of one hundred yards of any educational institution. As in big cities and towns, there are large number of educational institutions at very short distance from each other, it would not be possible to maintain the stipulation of one hundred yards radius. Similarly, the sections 7, 8, 9, 10 and 11 have provisions to restrict trade & commerce, production, supply & distribution of cigarettes and other tobacco products and related matters.

The warning of a pictorial depiction of skull and cross bones and such other warning on cigarettes and tobacco products as stated in the clause 1 of section 7 of the Act has led to catastrophic effect on the beedi industry and beedi workers, rendering lacs of beedi workers jobless. Clause 4 of the section 7 of the Act stated that the specified warning shall appear on not less than one of the largest panels of the package. But as the packets of beedis have no panels, this provision could not be applied in case of beedi. Similarly, according to clause 5 of section 7 of the Act, nicotine and tar contents should be indicated on the label of cigarettes and other tobacco products. Quantifying of nicotine and tar contents is not possible in case of beedi, since the beedi industry is mainly home based industry located in interior villages, related provisions are there in sections 8, 9, 10 and 11, which directly effect beedi industry.

In view of the above and to protect the interest of beedi workers it is proposed to amend sections 6, 7, 8, 9, 10 and 11 of the Act suitably.

Hence this Bill.

TAPAN KUMAR SEN

IX

BILL No. XXIV OF 2007

A Bill to provide for the prevention of atrocities against women and girls which are perpetrated in many forms such as sexual harassment, torture, molestation, rape, teasing, stripping, beating, branding as witch, etc. by establishing special courts to expedite the trial process and for the rehabilitation and other measures for the women victims of such atrocities and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Atrocities Against Women (Prevention, Special Courts and Miscellaneous Provisions) Act, 2007.

Short title and commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires—

Definitions.

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) "atrocities" includes any offence committed against a woman such as rape, assault, torture, molestation, teasing, striping, beating, branding as witch, forcing into prostitution or such other offence against the women and girls which is punishable under the Indian Penal Code;

45 of 1860.

(c) "employer" means any person who employs women workers directly or through any contractor and who has the control on the affairs of the establishment which may be under the control of any Government, local body or private body or individual by whatever name called;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "sexual harassment at work place" includes,—

(i) harassing any woman employee by paying less wages, detaining her before or after normal working hours without work or in the absence of other employees, refusing to grant leave, passing lewd or obscene remarks, forcing to attend office on holidays, compelling to attend a party or dance, refusing to allow rest, compelling to perform such duties which she is not able to perform with her physical condition or doing an act by using position as an employer with an intention to exploit the women employee;

(ii) fondling or touching the female employee in the guise of teaching her or helping her in doing her work;

(iii) showing gestures or actions either by words or by written material to solicit sexual favour from the woman employee;

(iv) showing pornographic material or obscene literature to the woman employee;

(v) offering unwanted suggestions or advise about physical appearances of the woman employee with a view to hurt her;

(vi) seeking sexual favour from the woman employee;

(vii) misusing position to sexually exploit the woman employee.

(f) "work place" includes an office of the appropriate Government local body, a mine, plantation, agricultural field, hospital, nursing home, shop or business establishment brick kiln, construction site, banking establishments, educational institutions including universities, colleges, schools, etc., any private office or house, entertainment establishments and such other places where woman is employed for any work for remuneration.

Prohibition
of atrocities
against women
and sexual
harassment
of women
employees at
their work
place.

3. (1) Committing of atrocities against women and sexual harassment of women employees at their work place is hereby prohibited.

(2) Whoever contravenes the provisions of sub-section (1) shall be guilty of an offence under this Act.

Penalty.

4. (1) Notwithstanding anything contained in the Indian Penal Code, whoever,—

45 of 1860.

(a) commits atrocity against any woman or girl shall be punished with imprisonment for a term which shall not be less than seven years but in view of the gravity of the offence it may extend to life imprisonment or with death, as the case may be;

Explanation.—For the purpose of this sub-section the grave offences include rape, gang rape, rape with a pregnant woman, forcing into prostitution and brutal killing of a woman.

(b) commits the offence of sexual harassment of woman employee in any establishment or work place shall be,—

(i) dismissed from service if the culprit is employed in Government or Semi-Government, local body or Government funded establishment as the case may be; and

(ii) punished with imprisonment for a term which shall not be less than five years but may extend to ten years and also with a fine which may extend to five lakh rupees.

5. (1) The appropriate Government shall establish such number of special courts preferably headed by women judges to deal exclusively with the provisions of this Act; as it may deem necessary for carrying out the purposes of this Act.

Establishment
of Special
Courts for
Women.

(2) The Special Courts under sub-section (1) shall be established in consultation with the Chief Justice of the concerned High Courts of the States.

(3) Every Special Court established under this Act shall exercise all the jurisdiction powers and authority exercisable immediately before that day by all courts except the concerned High Court and Supreme Court in relation to all matters of offences or atrocities committed against women under the Indian Penal Code, or any other law for the time being in force relation to women.

45 of 1860.

(4) From the date of commencement of this Act, the Jurisdiction, powers and authority in relation to offences committed under this Act shall be exercisable by a special court established under this Act and no other court except the High Court concerned and the Supreme Court shall have jurisdiction, powers or authority in relation to such offences.

(5) Every suit or other proceeding pending before any other Court, Tribunal or Authority immediately before the date of commencement of this Act, being a suit or proceeding the cause of action wherein it is based is such that if it had arisen after such Constitution of the Special Court within its jurisdiction, shall stand transferred on that date to such Special Court:

Provided that nothing contained in this Section shall apply to a suit or other proceedings pending in a High Court or the Supreme Court, as the case may be.

6. The appropriate Government shall,—

Welfare
measures.

(a) Make arrangements for free legal aid to women so as to enable them to meet the cost of litigation in special courts;

(b) initiate rehabilitation measures for the women victims covered under this Act;

(c) implement such welfare measures for the women covered under this Act as it may deem expedient and necessary.

7. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force in relation to women and girls.

Act to have
overriding
effect.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

STATEMENT OF OBJECTS AND REASONS

Nearly fifty per cent of the population of our country constitutes women and girls though the latest census of 2001 has revealed a stunning fact of declining ratio of girls *vis-a-vis* boys in the country. However, girls and women are vulnerable to various kinds of exploitations and atrocities in the society. Such atrocities include day-to-day teasing and molestation at public places; transport etc., passing vulgar remarks and whistling to them. Another alarming trend is publicly stripping and parading naked in the streets particularly the young girls and women of *dalit* and backward communities. In some parts of the country there are incidents, where women are being branded as witches and killed. They are being sexually exploited and raped. Even pregnant women are not spared. Many a time women and girls are killed after committing rape on them to destroy the evidence or otherwise. Besides, incident of gangrape and forcing women to prostitution are very common.

The number of working women is also increasing. At work place sometimes, women are compelled to work in the most disadvantageous service conditions. They are sexually harassed by their male colleagues, bosses, employers and others. Sexual favours are solicited on various pretexts and many a time women employees are forced to accept the offer otherwise they are fired or sacked. Unfortunately, cases of sexual harassment of women employees at the work places do occur but more often these are not reported for fear of social ostracism, family pressure or reprisal in the form of threats and discriminations.

Most of the cases of atrocities against women and girls, if at all registered, take a very long time to decide. It has, therefore, become necessary that offences against women should be tried by special courts preferably headed by women judges so that justice is delivered very fast to the women victims.

Hence this Bill.

ALKA BALRAM KSHATRIYA

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the establishment of Special Courts for women. Clause 6 provides for the welfare measures. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum.

Non-recurring expenditure to the tune of two thousands crore rupees may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

X

BILL NO. XXVIII OF 2007

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2007.
- (2) It shall come into force with immediate effect.

Short title and
commencement.

2. After article 16 of the Constitution, the following article shall be inserted, namely—

Insertion of
new article
16A.

"16A. (1) Every citizen who has become eligible to cast his vote in an election to Lok Sabha or State Legislature shall have the right to gainful employment as per his qualifications and calibre and in the event of failure of the state to provide him gainful employment, he shall be paid unemployment allowance till he is provided gainful employment.

Right to gainful
employment
and
unemployment
allowance.

(2) For the purposes of clause (1), Parliament may by law provide for,—

(a) different rates of unemployment allowances for the illiterates, primary and middle passed, matriculates, senior secondary passed, graduates, post graduates, technicians and professionally qualified and others and in particular for the physically challenged citizens;

(b) unemployment insurance scheme and Fund to be established so as to pay unemployment allowance therefrom and contributions to be made therein by different agencies, corporates, institutions and individuals including the beneficiaries."

STATEMENT OF OBJECTS AND REASONS

Our constitution has guaranteed us the right to life and liberty as one of the fundamental rights. But without economic security this right is a mere farce. For economic security one requires gainful employment which gives him food, shelter and other requirements of life necessary which is called one's livelihood. Unfortunately, there is severe unemployment in the Country. Crores of youth consisting of illiterates, semi literates and educated, are unemployed. Employment exchanges are overflowing with the names of such unemployed youths who are without any means of livelihood. They are a frustrated lot and are being lured by anti-social and anti-national elements to indulge in crimes, violence and terrorism leading to erosion of their ethical values. This problem has to be tackled by making the right to gainful employment a fundamental right. Right to work mentioned as the Directive Principle of State policy can soon be enforced.

Hence, it is high time to make the right to gainful employment a fundamental right to make it enforceable and provide unemployment allowance to the unemployed youths in case of failure by the State to provide gainful employment to such youth.

Hence this Bill.

ALKA BALRAM KSHATRIYA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for right to gainful employment and also for unemployment allowance to the citizens. The Bill, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of twenty thousand crore rupees may involve as recurring expenditure per annum.

A sum of rupees one thousand crore may also involve as non-recurring expenditure.

XI**BILL NO. XXVII OF 2007**

A Bill to provide for the prevention of abuse including physical abuse of tribal girls who are lured to shift to urban areas on the pretext of attractive employment and decent life and thereafter confined, exploited and abused and in many cases forced into prostitution and exploitation of tribal girls by forest personnel while collecting forest produce and for rehabilitation and welfare of such girls and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

Short title,
extent and
commencement

1. (1) This Act may be called the Tribal Girls (Prevention of Abuse, Rehabilitation and Welfare) Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force at once.